



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ethan Lerner and Seishiro Fujii Art Unit : 1617
Serial No. : 10/057,247 Examiner : Jennifer M. Kim
Filed : January 25, 2002
Title : NOS INHIBITORS FOR TREATMENT OF WRINKLES

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF JUNE 16, 2004

Claims 1-5, 7-11, 18, and 20-22 are pending.

Claims 1, 3-5, 7, and 9-11 stand rejected as allegedly unpatentable over WO 98/33379 (Lerner) in view of U.S. Pat. No. 6,037,481 (Zucchetti); claims 2 and 8 are rejected over Lerner in view of EP 0755671A1 (Yamaguchi); claims 18-22 are rejected as allegedly unpatentable over Lerner in view of Zucchetti and in further view of Remington's Pharmaceutical Sciences, 17th ed. (Remington). The Lerner reference is at the core of all three rejections. The threshold issue is whether the Lerner reference provides any motivation to use a NOS inhibitor to treat wrinkles.

The Examiner cites the following text from Lerner:

a method of treating a subject...for sunburn or other exposure to ultra-violet light, or for unwanted effects of aging in the skin. The method includes administering to the subject a treatment which decreases the level of nitric oxide (NO) in the skin. Lerner, page 4, lines 1-3.

The Examiner seizes on this language and argues on page 2-4 of the most recent action that "this teaching would motivate one of ordinary skill in the art to employ an inhibitor of NOS . . . to treat any unwanted effects of aging . . ." The Applicants respectfully disagree.

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